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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,556	03/17/2004	Michael S. Hemenway	14575.1US01	3717

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Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,556

Applicant(s)

HEMENWAY, MICHAEL S.

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 5 is objected to because of the following informalities: In claim 5, line 1, should "that" be - - than - - instead? Currently the claim is unclear and confusing. Perhaps - - than - - will make it clearer. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-19, the phrase "post-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "post-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In claim 7, line 2, it is unclear as to whether or not the Applicant intends to claim the seat system in combination with the vehicle, more specifically, the vehicle floor.

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Applicant defines that the "receiving slot extends through the seat cushion and are attached to an area of the vehicle floor" This renders a combination being claimed when the Applicant has not positively claimed the floor. So does the Applicant intend to claim the combination? If not, then he needs to re-word claim 1 or all the claims so that the combination is claimed. If not, then he should replace the word "are" in claim 7, line 2, with the phrase - - adapted to be - -.

The aforementioned problems render the claims vague and indefinite.

Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson, Jr. (U.S. Patent No. 2,009,016).

Robinson, Jr. teaches a reversible seat system for a vehicle, the system comprising: a seat cushion having an anterior side and a posterior side, a seatback, the seatback including two post-like element 33 extending below a lower side of the seatback, and at least one receiving slot formed by pins located on each of the anterior and posterior sides of the seat cushion, the receiving slots being configured to

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cooperatively, retainably receive the post-like elements, wherein the seatback is removable from the receiving slots and replaceable between a first position and a second position, the first position being where the post-like elements of the seatback are inserted into the receiving slot on the posterior side of the seat cushion and the second position being where the post-like elements of the seatback are inserted into the receiving slot on the anterior side of the seat, wherein the at least one receiving slot is located within an outside edge of the seat cushion, wherein the seatback is capable of being rotated 180 degrees between the first position and the second position, wherein the receiving slots are formed in the seat cushions, further comprising a retention mechanism 36,37 in the receiving slot configured to releasably retain the post-like element in the receiving slot..

Claims 1-3 , 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson, Sr. (U.S. Patent No. 2,059,397).

Robinson teaches a reversible seat system for a vehicle, the system comprising: a seat cushion 7 having an anterior side and a posterior side, a seatback, the seatback including two post-like elements 22 extending below a lower side of the seatback, and at least one receiving slots 18,19 located on each of the anterior and posterior sides of the seat cushion, the receiving slots being configured to cooperatively, retainably receive the post-like elements, wherein the seatback is removable from the receiving slots and replaceable between a first position and a second position, the first position being where the post-like elements of the seatback is inserted into the receiving slot on the posterior side of the seat cushion and the second position being where the post-like

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elements of the seatback is inserted into the receiving slot on the anterior side of the seat, wherein the at least one receiving slot is located within an outside edge of the seat cushion, wherein the seatback is capable of being rotated 180 degrees between the first position and the second position, wherein the seat cushion is configured so that it may rotate between at least two positions, the first position tilting upward toward the front of the vehicle, the second position tilting downward toward the front of the vehicle..

Claims 1 and 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bly (U.S. Patent No. 6,105,183).

Bly teaches a reversible seat system for a vehicle, the system comprising: a seat cushion 7 having an anterior side and a posterior side, a seatback, the seatback including at two post-like elements 94b,96b extending below a lower side of the seatback, and at least one receiving slot 90,92 located on each of the anterior and posterior sides of the seat cushion, the receiving slots being configured to cooperatively, retainably receive the post-like elements, wherein the seatback is removable from the receiving slots and replaceable between a first position and a second position, the first position being where the post-like elements of the seatback are inserted into the receiving slot on the posterior side of the seat cushion and the second position being where the post-like elements of the seatback are inserted into the receiving slots on the anterior side of the seat, wherein the seatback is capable of being rotated 180 degrees between the first position and the second position, wherein the receiving slots are formed in the seat cushions.

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Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Grieger (German Patent No. DE 4132279 A1)).

Grieger teaches a reversible seat system for a vehicle, the system comprising: a seat cushion 2 having an anterior side and a posterior side, a seatback, the seatback including two post-like elements 6 extending below a lower side of the seatback, and at least one receiving slot located on each of the anterior and posterior sides of the seat cushion, the receiving slots being configured to cooperatively, retainably receive the post-like elements, wherein the seatback is removable from the receiving slots and replaceable between a first position and a second position, the first position being where the post-like elements of the seatback is inserted into the receiving slot on the posterior side of the seat cushion and the second position being where the post-like elements of the seatback is inserted into the receiving slots on the anterior side of the seat, wherein the seatback is capable of being rotated 180 degrees between the first position and the second position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson, Sr. ('016)

Robinson, Sr. teaches an obvious use of the structures as claimed.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson, Sr. ('397)

Robinson, Sr. teaches an obvious use of the structures as claimed.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bly.

Bly teaches an obvious use of the structures as claimed.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grieger.

Grieger teaches an obvious use of the structures as claimed.

Claims 5-7, 9-12, 14, and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flyborg and Bullock, Jr. teach structures similar to the present invention.

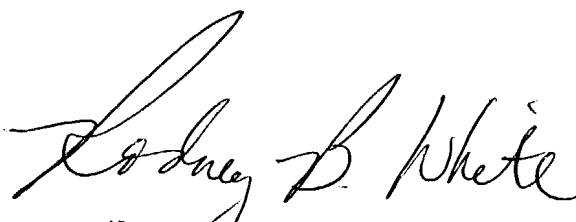
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276. The examiner can normally be reached on 5:30 AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art unit 3636
July 23, 2004



Rodney B. White
Patent Examiner